

**SUPREME COURT MINUTES
TUESDAY, APRIL 5, 2005
SAN FRANCISCO, CALIFORNIA**

S082299

SAKARIAS (PETER) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed September 20, 1999, is denied as to all claims except Claim VI. Claims I through IV, including all subclaims, are denied on the merits. Claim V and claims VII through XI are dismissed as moot in light of the relief granted on Claim VI pursuant to our order to show cause. (See *In re Sakarias* (2005) ____ Cal.4th ____.) Claim XII is denied as premature.

Brown, J., was absent and did not participate.

S102401

WAIDLA (TAUNO) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed November 27, 2001, is denied.

Claim One is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 763-799) and as repetitive of a claim raised and rejected on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225).

Claim Two is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller* (1941) 17 Cal.2d 734, 735).

Claim Three, first subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark,*

supra, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Three, second subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547).

Claim Three, third subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Three, fourth subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim Three, fifth subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Four is denied on the merits.

Claim Five is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on appeal (see *In re Harris, supra*, 5 Cal.4th at pp. 824-829; *In re Waltreus, supra*, 62 Cal.2d at

p. 225).

Claim Six is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Seven is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Eight, first subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Eight, second subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Eight, third subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Eight, fourth subclaim, is denied on the merits. It also is procedurally barred,

separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Eight, fifth subclaim, is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim Eight, sixth subclaim, which is derivative of Claim Three and its five subclaims, is denied on the merits. To the extent that it is derivative of Claim Three, first subclaim, it is procedurally barred on the same grounds, separately and independently, that is to say, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735). To the extent that it is derivative of Claim Three, second subclaim, it is procedurally barred on the same grounds, separately and independently, that is to say, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547). To the extent that it is derivative of Claim Three, third subclaim, it is procedurally barred on the same grounds, separately and independently, that is to say, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735). To the

extent that it is derivative of Claim Three, fourth subclaim, it is procedurally barred on the same grounds, separately and independently, that is to say, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547). To the extent that it is derivative of Claim Three, fifth subclaim, it is procedurally barred on the same grounds, separately and independently, that is to say, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Nine is denied on the merits. In its judicial-error subclaim, it also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799), as repetitive of a claim raised and rejected on appeal (see *In re Harris, supra*, 5 Cal.4th at pp. 824-829; *In re Waltreus, supra*, 62 Cal.2d at p. 225), and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735). In its jury misconduct subclaim, it also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark, supra*, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Ten is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as repetitive of a claim raised and rejected on habeas corpus previously (see *In re Clark,*

supra, 5 Cal.4th at p. 767; *In re Miller, supra*, 17 Cal.2d at p. 735).

Claim Eleven is denied on the merits. It also is procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Brown, J., was absent and did not participate.

S132674

B181797 Second Appellate District,
Division Six

JACKSON v. S.C. (PEOPLE)

Petition for review and application for stay denied